IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

OP.No. 32198 of 2001(G)

PETITIONER:

MULLACHERRY KAMMADATHU AMMA,
AGED 80 YEARS, W/O.(LATE), K.CHANDU NAIR,
ANNIS NIVAS, BEPU, MULIYAR VILLAGE,
IRIYANNI, KASARGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:
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1. **THE COMMISSIONER, LAND REVENUE,**
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DISTRICT COLLECTOR, KASARGOD.**

3. **THE REVENUE DIVISIONAL OFFICER, KASARGOD.**

4. **THE SPECIAL TAHSILDAR (LAND ASSIGNMENT),**
   KASARGOD.

5. **THE MANAGER,**
   CHITHRANJAN AIDED L.P.SCHOOL, P.O.IRIYANNI,
   MULIYAR, KASARGOD DISTRICT.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR
BY ADV. SRI.KODOTH SREEDHARAN for R5

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.52498/2001 IN OP.NO.32198/2001 G

DISMISSED

11/07/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER DTD. 6/11/1996 ISSUED BY JOINT SECRETARY TO GOVT.**

EXT.P2: **COPY OF THE ORDER DTD. 8/01/1997 ISSUED BY SEPCIAL TAHSILDAR.**

EXT.P3: **COPY OF THE APPEAL DTD. 11/2/1997 SUBMITTED BY PETITIONER TO THE REVENUE DIVISIONAL OFFICER, KANHANGAD.**

EXT.P4: **COPY OF THE NOTES OF INSPECTION DTD. 16/08/97 ISSUED BY REVENUE DIVISION OFFICER.**

EXT.P5: **COPY OF THE PROCEEDINGS NO.D.DIS.2291/98 DTD. 23/02/98 ISSUED BY REVENUE DIVISIONAL OFFICER.**

EXT.P6: **COPY OF THE ORDER DTD. 12/01/2000 NO.D.DIS.13631/98/LRJ2 ISSUED BY COMMISSIONER.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH , J

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O.P. NO. 32198 OF 2001

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Dated this the 11th day of July, 2007.

JUDGMENT

The petitioner is aggrieved by proceedings initiated in the matter of assignment of land. The dispute started with Ext.P1 Government order. According to the petitioner, without taking note of the physical possession of the property by the petitioner, the order was passed behind his back, in respect of the disputed 6 cents, the second item in Ext.P2 assignment order. The dispute is only on that land. Since factual aspects, according to the petitioner, are not taken note of by the Government while passing the impugned order, it is only appropriate and in the interest of justice that the same is considered by the government with notice to the petitioner and 5th respondent. I quash Ext.P1 and related orders as far as the assignment of the disputed 6 cents of land is concerned. The matter is remitted to the Government. There will be a direction to the Government to pass fresh orders in the matter with notice to the petitioner and the 5th respondent within a period of four months from the date of receipt of a copy of this judgment. Till such time the petitioner shall not be dispossessed from the disputed land.

The Original Petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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